

Docket No.: GP30003

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL USE

the specification of which (check one)

[ ] is attached hereto.

[ X ] was filed on 30 June 1998 as Serial No. 09/107847  
and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number	Country	Filing Date	Priority Claimed
97304996.8	Europe	08 July 1997	Yes

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided

by the first paragraph of Title 35, United States Code. Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Serial No.	Filing Date	Status
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I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Stephen Venetianer	Registration No. 25,659
Janice E. Williams	Registration No. 27,142
James M. Kanagy	Registration No. 29,550
Edward T. Lentz	Registration No. 30,191
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Mary E. McCarthy	Registration No. 32,917
Charles M. Kinzig	Registration No. 33,252
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Patricia A. Schreck	Registration No. 33,777
Yuriy P. Stercho	Registration No. 33,797
Kirk Baumeister	Registration No. 33,833
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William T. Han	Registration No. 34,344
Nora Stein-Fernandez	Registration No. 36,689
Alissa M. Eagle	Registration No. 37,126
Soma G. Simon	Registration No. 37,444
Edward R. Gimmi	Registration No. 38,891
Zoltan Kerekes	Registration No. 38,938
Paul F Prestia	Registration No. 23,031
Robert L Andersen	Registration No. 25,771
Christopher R Lewis	Registration No. 36,201
Eric A Dichter	Registration No. P41,708

Address all correspondence and telephone calls to Paul F Prestia. Ratner & Prestia Suite 301 One Westlakes (Berwyn), PO Box 980, Valley Forge. Pennsylvania 19482-0980 . whose telephone number is 610-407-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: David Malcolm DUCKWORTH

Inventor's Signature: David Malcolm Duckworth Date: 9th February 1999

Residence: Bishop's Stortford, Hertfordshire, United Kingdom

Citizenship: British

Post Office Address: SmithKline Beecham Corporation  
Corporate Intellectual Property - UW2220  
P.O. Box 1539  
King of Prussia, Pennsylvania 19406-0939

Full Name of Inventor: David MICHALOVICH

Inventor's Signature: David Michalovich Date: 9<sup>th</sup> Feb 1997

Residence: Crouch End, London, United Kingdom

Citizenship: British

Post Office Address: SmithKline Beecham Corporation  
Corporate Intellectual Property - UW2220  
P.O. Box 1539  
King of Prussia, Pennsylvania 19406-0939

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Malcolm Duckworth, *et al.* : Art Unit:  
 Serial No.: To Be Assigned : Examiner:  
 Filed: Herewith :  
 For: NOVEL USE :

**Divisional of:**

Applicants: David Malcolm Duckworth, *et al.* : Art Unit: 1653  
 Serial No.: 09/566,825 : Examiner: K. Carlson  
 Filed: May 8, 2000 :  
 For: NOVEL USE :

**DECLARATION**

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

I, the undersigned, hereby state that in accordance with 37 CFR §1.821(f), the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same as submitted in U.S. Application Serial No. 09/566,825 filed May 8, 2000. No new matter is added.

Respectfully submitted,

RATNER & PRESTIA

  
 Robert L. Andersen, Reg. No. 25,771  
 Attorney for Applicants

PAM/mjc

Enclosures: Sequence Listing (5 pgs.) w/Diskette

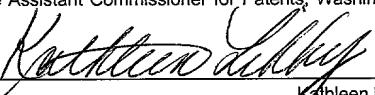
Dated: November 8, 2001

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**EXPRESS MAIL** Mailing Label Number: EL 910364296 US  
 Date of Deposit: November 8, 2001

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No 19-2387 of any fees associated with this communication.

I hereby certify that this paper and fee are being deposited, under 37 C.F.R. § 1.10 and with sufficient postage, using the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated above and that the deposit is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
 Kathleen Libby

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ASSIGNMENT

WHEREAS I/We, David Malcolm DUCKWORTH of Bishop's Stortford, Hertfordshire, England and David MICHALOVICH of Crouch End, London, England, have made an invention entitled:

NOVEL USE

for which on February 9, 1999 executed an application for Letters Patent of the United States of America;

NOW, THEREFORE, in return for valuable consideration paid to me/us by SmithKline Beecham p.l.c. (hereinafter "ASSIGNEE, the receipt of which is hereby acknowledged and intending to be legally bound, I/we do hereby assign unto the said ASSIGNEE, its successors and assigns, the entire right, title and interest in and to the said invention, said executed application, any division, continuation and continuation-in-part of said application and reissue applications, and all Letters Patents of the United States of America to be obtained therefor;

I/we hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

In addition I/we agree to provide ASSIGNEE upon its request with all pertinent facts and documents relating to said invention, and said Letters Patent as may be known and accessible to me/us, and to testify as to the same in any interference or litigation related thereto, and to execute further instruments (including divisional, continuation, continuation-in-part or reissue applications, affidavits or other instruments) required to apply for, obtain, maintain and enforce said application and said Letters Patent which may be necessary; this agreement to be binding upon my/our heirs, executors and administrators.

David Malcolm Duckworth

Inventor I  
David Malcolm DUCKWORTH

Date: 9th February 1999

David Michalovich

Inventor II  
David MICHALOVICH

Date: 9th Feb 1999